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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 TERRY JON IRBY,

11 Plaintiff,

12 v.

13 SKAGIT COUNTY, et al.,

14 Defendants.

CASE NO. C18-1035JLR

ORDER

15 **I. INTRODUCTION**

16 This matter comes before the court on the Report and Recommendation of United
17 States Magistrate Judge Brian A. Tsuchida (R&R (Dkt. # 9)), and Plaintiff Terry Jon
18 Irby's objections thereto (Objections (Dkt. ## 10-11)). Having carefully reviewed all of
19 the foregoing, along with all other relevant documents, and the governing law, the court
20 ADOPTS the Report and Recommendation (Dkt. # 9).

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II. STANDARD OF REVIEW

A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The court reviews de novo those portions of the report and recommendation to which specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise." *Id.* Because Plaintiff is proceeding *pro se*, this court must interpret his complaint and objections liberally. *See Bernhardt v. Los Angeles Cnty.*, 339 F.3d 920, 925 (9th Cir. 2003).

III. DISCUSSION

None of Plaintiff's objections raise any novel issues that were not addressed by Magistrate Judge Tsuchida's Report and Recommendation. Moreover, the court has thoroughly examined the record before it and finds the Magistrate Judge's reasoning persuasive in light of that record. Plaintiff essentially reargues the arguments he made to Magistrate Judge Tsuchida, and the court independently rejects them for the same reasons as Magistrate Judge Tsuchida. Plaintiff asks the court to reject Magistrate Judge Tsuchida's factual findings and credibility determinations, arguing that they are not

1 supported by the evidence. The court has reviewed the record and concludes that
2 substantial evidence supports all of Magistrate Judge Tsuchida's findings.

3 **IV. CONCLUSION**

4 For the foregoing reasons, the court hereby ORDERS as follows:

5 (1) The court GRANTS Plaintiff's motion to file a 38-page brief (Dkt. # 11-2);

6 (2) The court adopts the Report and Recommendation (Dkt. # 9);

7 (3) Plaintiff's IFP applications (Dkt. ## 1 and 7) are DENIED;

8 (4) The Clerk shall file the complaint only on receipt of the usual filing fee. If no
9 filing fee is paid within 15 days of the date of this Order, the Clerk shall close the file;
10 and

11 (5) The Clerk is directed to send copies of this order to Plaintiff and Magistrate
12 Judge Tsuchida.

13 Dated this th6 day of September, 2018.

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15 JAMES L. ROBART
16 United States District Judge
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